

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

In Re:

DAVID FLEMING,

Debtor.

David Fleming,

Plaintiff,

v.

**THE NEW YORK BANK OF MELLON,
et al.,**

Defendants.

**Case No. 12-72971-FJS
Chapter 13**

Adversary No.: 13-07068-FJS

ANSWER TO COMPLAINT

COMES NOW, Defendant, Samuel I. White, P.C. ("SIWPC"), by and through the undersigned Counsel, and hereby files its Answer to the Plaintiff's Complaint to Determine Secured Status and Avoid Liens ("Complaint"), and for its Answer states as follows:

1. The allegations contained in Paragraph 1 of the Complaint are admitted.
2. The allegations contained in Paragraph 2 of the Complaint are admitted.
3. Paragraph 3 of the Complaint asserts legal conclusions rather than allegations of fact. As a result, no response is required. To the extent a response is necessary, SIWPC denies those allegations.
4. SIWPC admits the allegations in paragraph 4 of the Complaint to the extent that they accurately state matters of public record. Any remaining allegations are denied.

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5. SIWPC admits the allegations in paragraph 5 of the Complaint to the extent that they accurately state matters of public record. Any remaining allegations are denied.

6. SIWPC is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint; therefore, the allegations are denied.

7. SIWPC is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint; therefore, the allegations are denied.

8. Paragraph 8 of the Complaint asserts legal conclusions rather than allegations of fact. As a result, no response is required. To the extent a response is necessary, SIWPC denies those allegations.

9. Paragraph 9 of the Complaint asserts legal conclusions rather than allegations of fact. As a result, no response is required. To the extent a response is necessary, SIWPC denies those allegations.

10. SIWPC will not object to the relief requested by Plaintiff if any Order entered by the Court specifically provides that the lien is *only* avoided upon discharge and successful completion of the Debtor's Chapter 13 case. In the event the case is dismissed or converted to a case under Chapter 7 of the Bankruptcy Code, the lien shall remain in effect and be valid to the same extent and priority as it is today.

11. SIWPC reserves the right to amend this Answer to add any additional defenses that may be revealed during investigation, discovery and presentation of evidence in this case.

WHEREFORE, Defendant Samuel I. White, P.C., by counsel, prays that no Order be entered adverse to its interests, and that it have such other and further relief in this cause which

the Court may deem proper and just.

Respectfully submitted,
SAMUEL I. WHITE, P.C.

By: /s/ Donna J. Hall
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of June, 2013 served the foregoing Answer by United States Mail, postage prepaid, on the following parties:

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Defendant

/s/ Donna J. Hall